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UNITED STATES DEPARTMENT OF AGRICULTURE

AGRICULTURAL ADJUSTMENT ADMINISTRATION

SOUTHERN DIVISION

ALABAMA HANDBOOK

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1940 Agricultural Conservation Program

Program effective from January 1, 1940
to November 30, 1940

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Issued January 1940



UNITED STATES
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ALABAMA HANDBOOK

1940 Agricultural Conservation Program

FOREWORD

The 1940 Agricultural Conservation Program in Alabama is a continuation of the conservation program which has been in effect for the last four years, with some new provisions to make the program more effective.

As in the past programs, the objectives of the 1940 program are:

(1) To help farmers get and maintain a fair share of the national income.

(2) To protect the interests of consumers by providing for ample supplies of food, feed, fiber, and other agricultural products at prices that are fair to both consumers and producers.

(3) To guarantee, as nearly as possible, continued ample supplies of agricultural products by conserving and rebuilding national soil resources through the adjustment of soil-depleting crop acreages and widespread use of soil-building practices.

(4) To improve the living conditions of farm people by increasing the production of food and feed crops for home use.

To approach these objectives, national, State, county, and farm allotments for major soil-depleting cash crops are determined and payments are made for planting within these farm allotments. Assistance is also provided for carrying out soil-building practices which could not otherwise be carried out. The purpose of these allotments is to help farmers to maintain the nation's supply of farm products more nearly in line with demand and to more nearly stabilize income at the parity level than would be the case if there were no orderly and balanced system of production and marketing of these products.

INTRODUCTION

Pursuant to the provisions of the 1940 Agricultural Conservation Program Bulletin, issued by the Secretary of Agriculture, and the authority vested thereby in the Agricultural Adjustment Administration, payments and materials as grants of aid will be made for participation in Alabama in the 1940 program, in accordance with the provisions of said bulletin and such modifications thereof or other provisions as may hereafter be made.

The provisions in this handbook (except section 11 B) are applicable only to farms in Alabama but such provisions are not applicable to lands owned by the United States and administered by the Forest Service of the United States Department of Agriculture, United States Soil Conservation Service, United States Bureau of Agricultural Economics, Bureau of Biological Survey, or any other lands in which the United States has acquired the beneficial ownership for the primary purpose of effecting the conservation of such land and with a view to retaining it permanently under government ownership. Therefore, no payment may be made to any producer under the 1940 program with respect to lands owned by these governmental agencies.

Section 1. COTTON

A. Farm Allotments. The same method used in establishing cotton allotments for 1939 will be used in 1940. The cotton allotment for each farm is a fixed percentage—uniform for the county or administrative area—of the farm's cropland, excluding the acreage normally devoted to the commercial production of tobacco and wheat, with certain exceptions and special provisions, as follows:

(1) Farms for which the allotment would otherwise be 5 acres or less will have an allotment of the smaller of 5 acres or the highest cotton acreage planted and diverted in 1937, 1938, or 1939.

(2) Regardless of other provisions, no allotment will be less than 50 percent of the 1937 planted and diverted cotton acreage, provided that no allotment is thereby increased to more than 40 percent of the farm's cropland.

(3) A small reserve may be allotted to farms that would otherwise have an allotment of 5 acres or more.

(4) No allotment determined under the above will be larger than the highest cotton acreage planted and diverted in any of the past 3 years.

(5) A small reserve may be available from any "frozen" cotton allotments released by operators to be used to increase allotments that are inadequate and not representative.

(6) A small acreage reserve is available for "new" cotton farms, that is, farms on which cotton is planted in 1940 for the first time since January 1, 1937.

B. Farm Normal Yields. The county committee, with the assistance of other local committees, shall determine a normal cotton yield for each farm having a cotton allotment.

(1) The normal yield shall be the actual average yield of cotton per acre for the 5 years 1935 to 1939, inclusive, adjusted for abnormal weather conditions, if reliable records of the actual average of such yields are presented by the producer or are available to the committee.

(2) If for any year of such 5-year period records of the actual average yield are not available or there was no actual yield because cotton was not planted on the farm in such year, the normal yield for the farm shall be the yield which the county committee determines to be the average yield which was or could reasonably have been expected on the farm for such 5-year period on the basis of all available facts, including the yield customarily made on the farm, weather conditions, type of soil, drainage, production practices, and general fertility of the land.

(3) The yields determined under paragraph (2) of this subsection shall be adjusted so that the average of the normal yields for **all** farms in the county or administrative area will not exceed the normal yield established for the county or administrative area.

C. Payments. The payment is **1.6 cents** for each pound of the normal yield for each acre in the cotton allotment. If the acreage planted to cotton is in excess of the allotment, there will be a deduction at the rate of **4 cents** for each pound of the normal yield of the excess acres. **Any person who knowingly plants, or causes or permits the planting of, cotton on his farm in 1940 on acreage in excess of the cotton allotment for the farm for 1940 shall not be eligible for any payment on that farm or any other farm under the 1940 program.**

D. Acreage Planted to Cotton means the acreage seeded to cotton, the staple of which is normally less than 1½ inches in length, which reaches the stage of growth at which bolls are first formed.

Section 2. PEANUTS

A. Farm Allotments. In counties designated in subsection E as commercial peanut counties, the county committee, with the assistance of other local committees, shall establish peanut allotments on the basis of the acreage of peanuts for market customarily grown and the tillable acreage on the farm, taking into consideration other special allotments established for the farm.

B. Farm Normal Yields. The county committee, with the assistance of other local committees, shall determine a normal yield of peanuts for each farm having a peanut allotment. The normal yield shall be determined on the basis of the yields of peanuts made on the farm, with due consideration for type of soil, production practices, and general fertility of the land. The average yield for **all** farms in any county shall not exceed the average yield of peanuts established for the county.

C. Payments. The payment is **12½ cents** for each 100 pounds of the normal yield for each acre in the peanut allotment. If the acreage of peanuts for market is in excess of the allotment, there shall be a deduction at the rate of **\$1.50** for each 100 pounds of the normal yield of the excess acreage.

D. Peanuts for Market means all peanuts harvested for nuts on a farm on which peanuts are separated from the vines by mechanical

means and from which the principal part of the production is sold to persons not living on the farm.

E. Commercial Peanut Area means the following counties:

Autauga, Barbour, Bullock, Butler, Chambers, Chilton, Clarke, Coffee, Conecuh, Covington, Crenshaw, Dallas, Dale, Elmore, Escambia, Geneva, Hale, Henry, Houston, Lee, Lowndes, Macon, Marengo, Monroe, Montgomery, Perry, Pike, Russell, Sumter, and Wilcox.

Section 3. COMMERCIAL VEGETABLES

A. Farm Allotments. In Baldwin, Blount, Cullman, Houston, Jefferson, Mobile, and St. Clair counties, designated as commercial vegetable counties, a vegetable allotment shall be determined by the county committee, with the assistance of other local committees, for each farm on which the average acreage of land normally planted to commercial vegetables is 3 acres or more. The vegetable allotment shall be determined on the basis of the 1936-37 average acreage or the average of a later period adjusted to the 1936-37 level, with adjustments for abnormal weather conditions, taking into consideration the tillable acreage on the farm, type of soil, production facilities, crop-rotation practices, and changes in farming practices.

B. Payments. The payment is \$1.50 for each acre in the vegetable allotment. There shall be a deduction for farms in commercial vegetable counties of \$20 for each acre of land planted to commercial vegetables in excess of the larger of the allotment or 3 acres.

C. Commercial Vegetables means the acreage of annual vegetables or truck crops (including potatoes in Blount, Cullman, Houston, Jefferson, Mobile, and St. Clair counties; sweetpotatoes, tomatoes, sweet corn, cantaloupes, annual strawberries, commercial bulbs and flowers, but excluding watermelons, peas for canning or freezing, and sweet corn for canning) of which the principal part of the production is sold to persons not living on the farm.

Section 4. IRISH POTATOES

A. Farm Allotments. In Baldwin and Escambia counties, designated as commercial potato counties, the county committee, with the assistance of other local committees, shall determine a potato allotment for each farm for which the normal acreage of potatoes for market is determined to be 3 acres or more. Allotments shall be determined on the basis of good soil management, tillable acreage on the farm, type of soil, topography, production facilities, and the acreage of potatoes customarily grown on the farm. The allotment for any farm shall be comparable with the allotments for other farms in the same community which are similar with respect to the above factors. The potato allotments determined for farms in a county shall not exceed their proportionate share of the county potato allotment.

B. Farm Normal Yields. The county committee, with the assistance of other local committees, shall determine a normal potato yield for each farm having a potato allotment or for which a deduction is computed. The normal yield shall be determined on the basis of the yields of potatoes made on the farm, with due consideration for type of soil, production practices, and the general fertility of the land. The average yield for all farms in the county shall not exceed the normal yield established for the county.

C. Payments. The payment is **3 cents** for each bushel of the normal yield for each acre in the potato allotment. For farms in the counties listed in subsection A, there shall be a deduction at the rate of **30 cents** for each bushel of the normal yield for each acre planted to potatoes in excess of the larger of the allotment or 3 acres.

Section 5. TOBACCO

A. Farm Allotments. The county committee, with the assistance of other local committees, shall determine an acreage allotment for flue-cured or Burley tobacco for any farm on which such kind of tobacco was produced in one or more of the 5 years 1935-1939 on the basis of past acreage of such kind of tobacco (harvested and diverted), with due allowance for drought, flood, hail, other abnormal weather conditions; plant-bed and other diseases; land, labor, and equipment available for the production of tobacco; crop-rotation practices; and the soil and other physical factors affecting the production of tobacco. Special consideration shall be given to farms for which acreage allotments are small. The allotment for any farm on which tobacco is produced in 1940 for the first time since January 1, 1935, shall be determined on the basis of the tobacco-producing experience of the farm operator, land, labor, and equipment available for the production of tobacco, crop-rotation practices, and the soil and other physical factors affecting the production of tobacco.

B. Farm Normal Yields. The county committee, with the assistance of other local committees, shall determine a normal tobacco yield for each farm for which a tobacco allotment is determined or a deduction is computed in accordance with the following provisions:

(1) The normal yield for any farm on which tobacco was produced in one or more of the 5 years 1935-1939 shall be determined on the basis of the yields of tobacco made on the farm in such 5-year period, taking into consideration the soil and other physical factors affecting the production of tobacco on the farm, and the yields obtained on other farms in the locality which are similar with respect to such factors.

(2) The normal yield for any farm on which tobacco is produced in 1940 for the first time since January 1, 1935, shall be that yield per acre which the local committee determines is fair and reasonable for the farm as compared with yields for other farms in the locality on which the soil and other physical factors affecting the production of tobacco are similar.

(3) The weighted average of the normal yields for **all** farms in each county shall not exceed the normal yield for the county.

C. Payments. The payment is **1 cent** in case of flue-cured and Burley for each pound of the normal yield for each acre in the tobacco allotment. If the acreage of tobacco harvested is in excess of the allotment, there shall be a deduction at the rate of **8 cents** for each pound of the normal yield of the excess acreage.

Section 6. WHEAT

A. Farm Allotments. (1) The county committee, with the assistance of other local committees, shall determine allotments for farms on which more than 10 acres of wheat are planted for harvest and on which wheat was planted for harvest in one or more of the years

1937, 1938, or 1939, on the basis of tillable acreage and crop-rotation practices, as reflected in the usual acreage of wheat on the farm, or the ratio of wheat acreage to cropland in the community or in the county, and on the basis of the type of soil and topography. The allotments for all farms in the same community which are similar with respect to such factors shall be comparable.

(2) Not more than 3 percent of the county allotment shall be apportioned to farms on which wheat was not planted for harvest in any of the years 1937, 1938, or 1939, but on which wheat is planted for harvest in 1940. This apportionment shall be made on the basis of tillable acreage, crop-rotation practices, type of soil, and topography. The allotments for all farms in the same community which are similar with respect to such factors shall be comparable.

B. Usual Acreages. Usual acreages of wheat shall be determined for all non-wheat-allotment farms and for farms on which the normal acreage of wheat harvested as grain or for any purpose after reaching maturity is more than 10 acres. The usual acreage shall be determined on the basis of the past acreage, with due allowance for abnormal weather conditions, tillable acreage, crop-rotation practices, type of soil, and topography.

C. Farm Normal Yields. The county committee, with the assistance of other local committees, shall determine a normal wheat yield for each farm having a usual wheat acreage in excess of 10 acres or for which a deduction is computed.

(1) The normal yield shall be the actual average yield of wheat per acre for the 10 years 1929 to 1938, inclusive, adjusted for trends in yields and abnormal weather conditions, if reliable records of the actual average of such yields are presented by the producer or are available to the committee.

(2) If for any year of such 10-year period reliable records of the actual yield are not available or there was no actual yield because wheat was not planted on the farm in such year, the normal yield for the farm shall be the yield which the county committee determines was or could reasonably have been expected on the farm for such 10-year period on the basis of all the available facts, including the yield customarily made on the farm, weather conditions, type of soil, drainage, production practices, and general fertility of the land.

(3) The yields determined under paragraph (2) of this subsection shall be adjusted so that the average of the normal yields for all farms in the county will not exceed the normal yield established for the county.

D. Payments. For a wheat-allotment farm, the payment is **9 cents** for each bushel of the normal yield for each acre in the wheat allotment. There shall be a deduction at the rate of **50 cents** for each bushel of the normal yield of the acreage planted to wheat in excess of the allotment.

For a non-wheat-allotment farm, a deduction shall be computed on the above basis for each acre of wheat harvested for any purpose after reaching maturity in excess of the larger of the usual acreage or 10 acres.

E. Non-Wheat-Allotment Farm means (1) a farm for which a wheat allotment is determined and the persons having an interest in the wheat planted on the farm elect on or before October 1, 1939, or within 15 days after notice of the wheat allotment is mailed to the

operator, to have such farm considered as a non-allotment farm, or (2) a farm for which no wheat allotment is determined.

F. Acreage Planted to Wheat (for wheat-allotment farms) means (1) any acreage seeded to wheat (except when it is seeded in a mixture containing less than 50 percent by weight of wheat, or containing 25 percent or more by weight of oats, rye, barley, vetch, or Austrian winter peas, and the seeding mixture may reasonably be expected to produce a crop that could not be harvested as wheat for grain or seed); (2) any acreage of volunteer wheat which is on the farm after April 15, 1940; and (3) any acreage seeded to a mixture designated under (1) above and the wheat matures but the other crops fail to mature.

Section 7. TOTAL SOIL-DEPLETING CROPS

A. Farm Allotments. The county committee, with the assistance of other local committees, shall determine a total soil-depleting allotment for each farm for which a special allotment (other than a vegetable allotment) is determined. The total allotment for any farm shall be determined on the basis of good soil management, tillable acreage, type of soil, topography, degree of erosion, and the acreage of all soil-depleting crops customarily grown on the farm, taking into consideration special allotments and the acreage of food and feed crops needed for home consumption. The total allotments shall be comparable with the acreage allotments for all farms in the same community which are similar with respect to the above factors.

B. Deductions. For each farm for which a total allotment is determined and on which general crops or livestock are produced in 1940 for market, there shall be a deduction at the rate of \$5 for each acre classified as soil depleting in excess of the larger of (1) the total soil-depleting allotment plus the acreage of special crops for which deductions are computed or (2) the acreages on which cotton is planted or tobacco is harvested plus 20 acres.

Section 8. SOIL-BUILDING GOALS, PAYMENTS, AND PRACTICES

A. National Goal. The national goal is the conservation of the cropland not required in 1940 for the growing of soil-depleting crops, the restoration, insofar as is practicable, of a permanent vegetative cover on land unsuited to the continued production of cultivated crops, and the carrying out of soil-building practices that will conserve and improve soil fertility and prevent wind and water erosion.

B. County Goals. Insofar as practicable, county goals shall be established, with the approval of the State committee, for particular soil-building practices which are not routine farming practices and which are most needed in the county in order to conserve and improve soil fertility and to prevent erosion. **Payment will not be made in connection with any practice not included in the county goal.**

C. Farm Goals. The soil-building goal for any farm shall be one unit of soil-building practices for each \$1.50 computed for the farm under subsection D of this section. The farm goal shall represent the number of units of applicable soil-building practices to be carried out. Insofar as practicable, the county committee shall determine what practices are to be carried out in meeting the goal. The

county committee may specify for any farm in the county the practices for which, if carried out according to specifications, credit will be given toward meeting the farm goal. Practices to be included in the goal shall be those most needed to conserve and improve soil fertility and to prevent erosion and should not be routine farming practices.

D. Payments. The maximum payment which is available as assistance for carrying out soil-building practices is the sum of the following, except that if the sum of the maximum payments computed for any farm with respect to acreage allotments and under items (1) to (3), inclusive, of this subsection is less than \$20, the maximum payment available as soil-building assistance shall be increased by the amount of the difference:

(1) **70 cents** per acre of cropland in excess of the sum of the allotments for special crops (other than commercial vegetables) for which payments are computed;

(2) **\$1.50** per acre of commercial orchards and perennial vegetables on the farm on January 1, 1940;

(3) **25 cents** per acre of fenced non-crop open pasture land in excess of one-half of the number of acres of cropland which is capable of maintaining during the normal pasture season at least one animal unit for each 5 acres of such pasture land;

(4) **\$1.50** for each unit of credit for planting forest trees in accordance with practice 15, not to exceed \$30.

For each unit by which the soil-building goal is not reached, \$1.50 will be deducted from the maximum soil-building assistance.

E. Soil-Building Practices. The soil-building practices listed below, if included in the county soil-building goal and if not disapproved by the county committee for the particular farm, shall count toward reaching the soil-building goal, to the extent indicated, when they are carried out during January 1, 1940, to November 30, 1940, inclusive, in accordance with specifications shown following each practice.

In cases where practices are carried out wholly or in part (the part representing one-half or more) with labor, seed, trees, or materials furnished by any State or Federal agency other than the AAA, such practices shall not be counted toward reaching the goal. If the part of the factors so furnished represents less than one-half, one-half of such practices shall be counted, except that when such factors are furnished to a State, a political subdivision of a State, or an agency thereof by an agency of the same State, they shall not be considered to have been furnished by a State agency.

Application of Materials

1. Application of (a) 100 pounds of triple superphosphate or 300 pounds of 16 percent superphosphate (or its equivalent), (b) 500 pounds of basic slag, or (c) 750 pounds of rock or colloidal phosphate to, or with the seeding of, perennial or biennial legumes, perennial grasses, winter legumes, lespedeza, crotalaria, or permanent pasture—**One unit (\$1.50).**

SPECIFICATIONS: The material must be applied evenly over the area on which application is made. In the case of lespedeza seeded alone, winter legumes, and crotalaria, application must be made at or before the time of seeding. In the case of lespedeza seeded with small grains, the material must not be applied before the grain crop is harvested. The crops to which the material is applied

must not be seeded or grown with a soil-depleting crop. Winter legumes seeded in row-crop middles are not considered as seeded or grown with a soil-depleting crop. Basic slag and rock phosphate must be ground sufficiently fine so that a minimum of 80 percent will pass through a 100-mesh sieve.

2. Application of 1,000 pounds of ground limestone or its equivalent—**One unit (\$1.50).**

SPECIFICATIONS: The limestone must be 90 percent or more calcium carbonate equivalent; if limestone of lower grade than this is used, it must be applied in amounts sufficient to supply calcium carbonate equivalent to the above. The materials listed below are equivalent to one ton of ground limestone:

- 1,000 pounds of burned limestone
- 1,400 pounds of hydrated lime
- 2,000 pounds of ground oyster shells
- 2,750 pounds of limestone screenings
- 3,000 pounds of calcium silicate slag
- 4,000 pounds of Selma chalk
- 3,000 pounds of Ocala limestone.
- 2,000 pounds of pulp mill waste lime.

The above material must be of sufficient fineness so that 100 percent of the material will pass through a 10-mesh sieve, and 50 percent through a 100-mesh sieve, except that only 50 percent of the calcium silicate slag must pass through a 40-mesh sieve.

Seedings

3. Establishment of a permanent vegetative cover by planting crowns of kudzu—**Four units (\$6) an acre.**

SPECIFICATIONS: A minimum of 500 crowns or 1,000 seedlings per acre must be planted on well-prepared land during the dormant season. There must be a survival of at least 300 crowns or 500 seedlings per acre showing healthy growth.

4. Seeding adapted varieties of alfalfa—**One unit (\$1.50) an acre.**

SPECIFICATIONS: (a) Alfalfa must be planted on land in high state of productivity. Land must be harrowed or disked throughout summer sufficiently to destroy weeds and grass and to form a good seedbed.

(b) At least 25 pounds of Kansas common non-irrigated seed must be sown per acre as soon after August 15 as sufficient moisture is in the soil and before October 15. Seed must be inoculated.

(c) Each acre must be fertilized as follows:

(1) In Black Belt on Sumter soils, 375 pounds of 16 percent superphosphate and 50 pounds of muriate of potash must be applied at time of planting.

(2) Out of Black Belt, not less than 3 tons of ground limestone must be applied several months before planting in addition to 1 ton of 16 percent superphosphate at planting time.

5. Seeding winter legumes—**One unit (\$1.50) an acre.**

SPECIFICATIONS: The seedings must be at not less than the following rates per acre:

- Austrian winter peas—30 pounds
- Oregon vetch—30 pounds
- Hairy, Monantha, and Hungarian vetch—20 pounds
- Clean crimson clover—15 pounds
- Chaffy crimson clover and bur-clover in the bur—50 pounds

On land that has not grown a good crop of the particular winter legume, the seed must be inoculated. Winter legumes shall be fertilized with at least 300 pounds of 16 percent superphosphate or 500 pounds of basic slag per acre, unless the land has been well-fertilized for the previous crop. In fields where it is known that there is a deficiency of lime, lime must be applied.

6. Seeding lespedeza—**Two-thirds unit (\$1) an acre.**

SPECIFICATIONS: Annual lespedeza must be seeded at not less than 25 pounds per acre, and lespedeza sericea at not less than 30 pounds per acre. At least a 75 percent stand of lespedeza must be growing at the time performance is checked.

7. Seeding annual or biennial sweetclover and specified biennial or perennial legumes or perennial grasses—**One-half unit (75 cents) an acre.**

SPECIFICATIONS: Crops that will qualify and minimum seeding rates per acre are as follows:

Annual or biennial sweetclover—20 pounds
 Alsike clover—10 pounds
 White Dutch clover—10 pounds
 Orchard grass—20 pounds
 Kentucky bluegrass—10 pounds
 Dallis grass—10 pounds

If home-grown seed is used, the above amounts shall be doubled. Dallis grass seeded alone will qualify under this practice, but when seeded in a pasture mixture at a full rate of seeding, as provided under practice 8, it will qualify at a higher rate of credit under practice 8.

Pasture

8. Seeding a permanent pasture mixture containing a full seeding of Dallis grass—**Two units (\$3) an acre.**

SPECIFICATIONS: (a) **Preparation.**—The acreage which is to be established in a permanent pasture shall have the native grasses, weeds, bushes, or other vegetation removed. All the top soil must be stirred by breaking or double harrowing, or its equivalent, to prepare a seedbed. The seedbed shall be firm before the seed is sown.

(b) One of the following mixtures must be used:

Standard Seeding:

For South Alabama

10 pounds Dallis grass
 10 pounds common lespedeza
 4 pounds White Dutch clover

For Central and North Alabama¹

10 pounds Dallis grass
 10 pounds common lespedeza
 4 pounds White Dutch clover
 10 pounds orchard grass
 10 pounds Kentucky bluegrass

On the lime lands of the Black Belt

10 pounds Dallis grass
 10 pounds black medic
 4 pounds White Dutch clover

If home-grown seed is used, double the above amounts shall be applied, except that in the case of Dallis grass, home-grown seed shall be sown at 4 times the above rate.

9. Reseeding depleted pastures with good seed of adapted pasture grasses or legumes—**10 pounds of seed, one unit (\$1.50).**

SPECIFICATIONS: The following grasses and legumes seeded in mixtures shall be used: Dallis grass, Kentucky bluegrass, orchard grass, White Dutch clover, yellow hop clover, (black medic on lime lands only), and common lespedeza. For mixtures of the above grasses or legumes, those approved under practice 8 shall be used for various sections of the State, varied according to the needs of the individual farm. Land to be reseeded shall have a specially prepared seedbed by breaking, disking, or the equivalent.

Producers shall supply sales receipts for the kind and quantity of grass and legume seed used, and such receipts shall be required to support the performance records.

10. Contour listing or furrowing non-crop pasture land—**Four acres, one unit (\$1.50).**

SPECIFICATIONS: Furrows shall not be less than 8 inches wide, and 4 inches deep, and not more than 6 feet apart, and must follow guide lines established

¹ On Sand Mountain, 2 to 5 pounds of redtop seed may be added.

with a standard farm level or surveyor's instrument. The guide lines must be established at not to exceed twice the terrace interval specified in practice 11.

Erosion Control

11. Construction of 200 linear feet of standard terrace for which proper outlets are provided—**One unit (\$1.50).**

[Alabama Extension Circular No. 165 explains in greater detail all points mentioned in this terrace specification. A copy may be obtained free from any Alabama county agent.]

SPECIFICATIONS: (a) Terraces on 12 percent slopes will be 44 feet apart, and on 3 percent slopes 100 feet apart, etc. 140 feet is the maximum spacing between terraces on land with a slope of less than 3 percent.

(b) The maximum fall on a 1300 foot terrace on a 12 percent slope will be 3 inches per 100 feet on sandy soils, and 5 inches per 100 feet on clay soils. Terraces which show excessive erosion in the channel will not qualify.

(c) The width of terraces will vary according to the slope of the land. Terraces, to have sufficient capacity for recommended spacing, must have a minimum width of 15 feet on a 12 percent slope. This width is measured from the edge of the bank on the lower side to the upper edge of terrace channel. On the flatter lands, for instance, a 2 percent grade, a width of 20 feet will be required.

The capacity of terrace shall be determined by measuring a cross section of channel. A cross section of 6 square feet is necessary, which means that a terrace channel on a 16 foot terrace shall not be more than 11 feet wide; therefore, the channel must be 14 inches deep; a 12 foot channel 12 inches deep; and a 15 foot channel 10 inches deep. Other grades between these will fall somewhere in the range and the narrower the channel the greater the required depth. These measurements shall be taken in the weaker part of the terrace where there is heavy strain. From 4 to 6 inches height on the ridge above the line of measurement is necessary as a safety factor for settling where terraces are newly constructed.

(d) Proper terrace outlets must be constructed. Terrace systems should be so planned that the terraces may outlet individually upon well-sodded pastures or meadows or into well-protected wooded areas. If conditions are unfavorable for this method, a meadow or pasture strip should be developed for outlet control. Where the above conditions are not possible or practical, a sodded channel must be established. The outlet ends of all terrace channels shall be protected by the use of adapted vegetative strips, rocks, or other suitable impediments.

12. Stripcropping with alternate strips of close-grown crops and intertilled crops—**Four acres, one unit (\$1.50).**

SPECIFICATIONS: Stripcropping shall conform to the following:

(a) All strip planting shall be sown broadcast or cover the land uniformly.

(b) The width of the strips of erosion-resisting crops shall be not less than the horizontal spacing specified for terraces in practice 11.

(c) These strips shall occupy a minimum of 50 percent of the land protected, and the strips shall be planted on full terrace intervals.

(d) The erosion-resisting strips devoted to summer-growing crops shall not be broken until the following spring, unless—

(i) A winter erosion-resisting crop is sown at the time of breaking, or

(ii) a winter erosion-resisting crop is sown on the interval between strips at the time of fall breaking.

(e) Summer crops approved for stripcropping shall be soybeans, cowpeas, sorghums, lespedeza, and crotalaria. Approved crops for winter stripcropping shall be winter peas, vetch, crimson and bur clover, and small grains.

Green Manure and Cover Crops

13. (a) Green manure and cover crops of summer-growing non-legumes, except in orchards or on commercial vegetable or potato land—**One-half unit (75 cents) an acre.**
- (b) Other green manure and cover crops (including summer-growing non-legumes in orchards or on commercial vegetable or potato land)—**One unit (\$1.50) an acre.**

SPECIFICATIONS: Credit will **not** be given for lespedeza, peanuts hogged off, soybeans from which the seed is harvested by mechanical means, or any crop for which credit is given in 1940 under any other practice. A summer-growing crop turned under on land subject to erosion must be followed by a winter cover crop. A good stand and good growth must be obtained and left on the land or turned under. A good growth means a growth which, if harvested for hay, would make approximately $\frac{2}{3}$ ton per acre of air-dry legumes and winter-growing non-legumes, and approximately $1\frac{1}{2}$ tons per acre of air-dry summer-growing non-legumes.

14. Cowpeas, velvetbeans, crotalaria, or soybeans interplanted or grown in combination with soil-depleting crops—**Four acres, one unit (\$1.50).**

SPECIFICATIONS: A good stand and good growth must be obtained and the vines not harvested, or in the case of soybeans, the seed removed by mechanical means. A good growth means approximately $\frac{1}{2}$ ton per acre of air-dry material (10 pounds green weight for an average plot of 100 square feet).

Forestry

15. Planting forest trees—**Five units (\$7.50) an acre. .**

SPECIFICATIONS: (a) **Time of planting**—Planting to be done during the dormant season.

(b) **Kinds of trees**—Tree species to include any of the following kinds: Loblolly, longleaf, slash, and shortleaf pines, red cedar, black locust, yellow poplar, white and green ashes, red and white oaks, to be planted either in pure or mixed stands. Seedlings (or transplants) to be mostly one year old up to three years old.

(c) **Number and spacing**—1,000 trees per acre must be planted of shortleaf or loblolly pines, red cedar, or black locust, and 700 per acre of slash or longleaf pines or of hardwood species. This requires spacings of about 6 by 7 feet apart for the shortleaf and loblolly, and 8 by 8 feet apart for the other pines and hardwoods.

(d) **Method of planting**—For planting black locust and other hardwoods, the ground must be flat-broken or wide-bedded with plow at least 2 months in advance of planting. For pines no preparation is required. Ample holes must be dug to take all roots without curling main taproot, with the dirt drawn into hole and thoroughly packed around roots without injury, and the trees set **tight in the ground** in planting.

(e) **Cultivation**—The hardwoods must be cultivated at least once the first growing season.

(f) **Protection**—The plantings must be adequately protected against injury from fire and livestock.

(g) Trees purchased from a Clark-McNary Cooperative State Nursery shall not be deemed to be paid for in whole or in part by a State or Federal agency and may qualify under this practice.

16. Cultivating, protecting, and maintaining, by replanting if necessary, a good stand of forest trees, planted between January 1, 1937 and January 1, 1940—**Two units (\$3) an acre.**

SPECIFICATIONS: (a) Trees, except pines, must be cultivated twice between May and August.

(b) A stand composed of **not less** than 500 pines or cedars per acre or 350 hardwood trees per acre, evenly distributed over the area, must be maintained, by replanting if necessary, with seedlings of the same species between January 1 and March 1.

(c) The trees must be protected adequately to prevent damage by fire. All plantings of hardwood species must be fully protected from livestock by the construction of fences, if necessary. Firebreaks must be constructed by plowing or burning on sides adjacent to woodlands or fields having a fire hazard.

Miscellaneous

17. Growing of a home garden for a landlord, tenant, or sharecropper family on a farm—**One unit (\$1.50) a garden.**

SPECIFICATIONS: (a) A home garden shall consist of any acreage on the farm upon which vegetables are grown for home use either for consumption fresh during the growing season or for canning, drying, or storing.

(b) Good cultural practices shall be followed. The soil must be properly plowed and worked before seeding and must be kept free of weeds and in a good state of cultivation after planting. Proper efforts must be made to control insect pests.

(c) A minimum of eight different vegetables must be grown during the year; at least two fresh vegetables must be available for consumption daily throughout the year.

(d) The total amount of vegetables grown and either used fresh or preserved shall be sufficient to provide a reasonable diet of vegetables.

Section 9. SOIL-DEPLETING ACREAGE

(a) **Soil-Depleting Acreage** means the acreage of land devoted during the 1940 crop year¹ to one or more of the following crops. Land from which a volunteer crop is harvested shall be classified as if the crop were planted.

(1) Corn planted for any purpose, except roasting ear corn or popcorn grown in home gardens for use on the farm.

(2) Tobacco harvested for any purpose.

(3) Grain sorghums planted for any purpose.

(4) Cotton which reaches the stage of growth at which bolls are first formed.

(5) Sugarcane grown for any purpose.

(6) Peanuts harvested for nuts or dug for hay.

(7) Annual truck and vegetable crops planted for any purpose, except when grown in home gardens for use on the farm.

(8) Potatoes planted for any purpose, except when grown in home gardens for use on the farm.

(9) Peas planted for canning or freezing, except when used as green manure or grown in home gardens for use on the farm.

(10) Commercial bulbs and flowers harvested for any purpose.

(11) Small grains:

(a) Wheat on a farm for which a wheat allotment is determined, if considered as planted in accordance with the definition in section 6 F.

(b) Wheat (on a non-wheat-allotment farm), oats, barley, rye, or mixtures of these crops, harvested for grain.

(c) Wheat (on a non-wheat allotment farm), oats, barley, rye, or mixtures of these crops, harvested for hay, except when (i) lespedeza or sweetclover is seeded in a workmanlike manner before the small grain is cut, and the small grain is cut not later than the early milk stage, or (ii) grown in a mixture containing at least 25 percent by weight of winter legumes.

(12) Sudan grass or millet harvested for grain or seed.

(13) Sweet sorghums harvested for any purpose. A summer legume and sweet sorghum mixture harvested for hay will not be considered as sweet sorghums, provided less than one-half of the harvested mixture is composed of sweet sorghums.

(b) If one soil-depleting crop is followed by another soil-depleting crop on the same land, such land shall count only once in determining whether or not the total soil-depleting acreage allotment for the farm has been exceeded. It is necessary to take into consideration the

¹ For commercial vegetables in commercial vegetable counties designated in Section 3a, the 1940 crop year shall include December 1939.

meaning of "acreage planted to wheat" and "acreage planted to cotton" in determining the soil-depleting classification of the land. For example, if a given acreage is considered as planted to wheat in accordance with the definition of "acreage planted to wheat," such acreage shall be considered as having been planted to wheat as well as being soil depleting. If the wheat then fails and cotton is seeded on the same land and reaches the bolling stage, the land shall be considered as having been planted to cotton as well as to wheat but shall be counted as soil depleting only once in determining whether or not the total soil-depleting acreage allotment for the farm has been exceeded. In the above example, if, after reaching the bolling stage, the cotton fails and the same land is planted to a late general soil-depleting crop, such as grain sorghum, the classification of the land shall remain the same as above, that is, all of the land shall be classified as planted to wheat, all of it as planted to cotton, and all of it as soil depleting.

(c) If more than one soil-depleting crop occupies the land at the same time, the land shall be classified in accordance with the actual acreage occupied by each crop, except that:

(1) If a soil-depleting crop (other than commercial vegetables) is grown in alternate rows or strips, or both, with cotton and the rows or strips of cotton are less than 7 feet apart, cotton shall be considered to occupy all of the land; provided, that if cotton and peanuts in counties designated in section 2 E as commercial peanut counties are the crops and the peanuts are harvested for nuts, cotton shall be considered to occupy all of the land, and in addition, each row of peanuts shall be considered to occupy a strip of land 2 feet in width;

(2) If commercial vegetables (or potatoes) and another crop for which a special acreage allotment is established are grown on the same acreage, all of the land shall be considered as planted to the crop other than commercial vegetables (or potatoes) for which the special acreage allotment is established; and in addition, all of the land shall be considered as planted to commercial vegetables (or potatoes) if the commercial vegetables (or potatoes) are planted in rows of less than twice the normal width for planting the crop alone. If the commercial vegetables (or potatoes) are planted in rows at least twice the normal width for planting the crop alone, only half the land shall be considered as planted to commercial vegetables (or potatoes).

(d) Truck crops and vegetables that are entirely consumed on the farm are considered as having been produced in home gardens for use on the farm, and the acreage devoted to such crops is not classified as soil depleting. The entire acreage devoted to any truck crop or vegetable, a part of which is used for commercial purposes, is considered as soil depleting.

(e) If a soil-depleting crop is interplanted with, grown in combination with, or followed by, a crop not classified as soil depleting, the entire acreage of land shall be classified as soil depleting; *Except*, That where strips of soil-depleting crops, alternating with strips of legumes or other crops not classified as soil depleting are 3 rows (10 feet) or more apart, the acreage occupied thereby is classified in accordance with the actual acreage occupied by such crops (the strips

or rows not classified as soil depleting being measured from a point $1\frac{3}{4}$ feet from the outside of the strip of soil-depleting crop); provided, that if peanuts (whether or not soil depleting) are grown in alternate rows or strips, or both, with cotton and the rows or strips of cotton are 7 feet or more apart, the land shall be classified in accordance with the actual acreage occupied by each crop.

Section 10. DIVISION OF PAYMENTS AND DEDUCTIONS

A. Payments and Deductions for Acreage Allotments. (1)

The net payment or net deduction computed for any farm for special and general crops shall be divided among the landlords, tenants, and sharecroppers in the same proportion (as indicated by their acreage shares) that such persons are entitled, as of the time of harvest, to share in the proceeds (other than a fixed commodity payment) of such crop grown on the farm in 1940, with the following exceptions:

(i) **Crop failure, etc.** If any such crop is not grown on the farm in 1940 or the acreage of such crop is substantially reduced by flood, hail, drought, insects, or plant-bed diseases, the net payment or net deduction computed for such crop shall be divided among the landlords, tenants, and sharecroppers in the proportion that the county committee determines that such persons would have been entitled to share in the proceeds of such crop, if the entire acreage in the allotment for such crop had been planted and harvested in 1940.

(ii) **Underplanting cotton.** If for any reason the total acreage of cotton on the farm in 1940 is less than 80 percent of the cotton allotment and the acreage of cotton which is or would have been grown thereon by any tenant or sharecropper in 1940 is not substantially proportionate to the acreage of cotton which such tenant or sharecropper would normally grow thereon, and all the persons who are or would have been entitled to receive a share of the proceeds of cotton agree, as shown by their signatures on the application for payment or a separate statement, the net payment or net deduction computed for cotton for the farm shall be divided among the landlords, tenants, and sharecroppers in the proportion that the county committee determines such persons would have been entitled to share in the proceeds of the cotton crop, if the entire acreage in the cotton allotment had been planted and harvested in 1940, but in no event shall the acreage share so determined for any person be less than such person's acreage share of the acreage planted to cotton on the farm in 1940.

(2) The deduction for excess total soil-depleting crops shall be made pro rata from the payments computed for special-crop acreage allotments.

B. Soil-Building Practice Payments. The payment for carrying out soil-building practices on the farm shall be made to the landlord, tenant, or sharecropper who carried out the practices. If the county committee determines that more than one such person contributed to the carrying out of soil-building practices in 1940, the payment shall be divided in the proportion that the units contributed by each such person bear to the total units contributed by all such persons. All persons contributing to practices carried out on a particular acreage shall be deemed to have contributed equally, unless such persons prove to the county committee that their contributions were not in equal proportion, in which event such units shall be divided in the proportion which the county committee determines each such person contributed thereto. **The furnishing of the land on which a practice is carried out will in no case be considered as a contribution to the carrying out of such practice.**

C. Proration of Net Deductions. If a net payment is computed for a farm as a whole, but a net deduction is computed for one or

more of the persons interested therein, such net deductions shall be prorated among the persons for whom a net payment is computed in the proportion that the net payment for each such person bears to the sum of all such net payments. If a net deduction is computed for any farm as a whole, no payment will be made with respect to such farm and the amount of such net deduction shall be prorated among the persons on the farm in the proportion that the net deduction computed for any person bears to the sum of the net deductions computed for all persons on the farm.

Section 11. GENERAL PROVISIONS RELATING TO PAYMENTS AND DEDUCTIONS

A. Increase in Small Payments. The total payment computed under sections 1 to 10, inclusive, for any person on any farm shall be increased as follows:

- (1) Any payment amounting to 71 cents or less shall be increased to \$1.
- (2) Any payment amounting to more than 71 cents but less than \$1 shall be increased by 40 percent.
- (3) Any payment amounting to \$1 or more shall be increased in accordance with the following schedule:

Amount of payment computed	Increase in payment	Amount of payment computed	Increase in payment
\$1.00 to \$1.99	\$0. 40	\$32.00 to \$32.99	\$10. 40
\$2.00 to \$2.99	. 80	\$33.00 to \$33.99	10. 60
\$3.00 to \$3.99	1. 20	\$34.00 to \$34.99	10. 80
\$4.00 to \$4.99	1. 60	\$35.00 to \$35.99	11. 00
\$5.00 to \$5.99	2. 00	\$36.00 to \$36.99	11. 20
\$6.00 to \$6.99	2. 40	\$37.00 to \$37.99	11. 40
\$7.00 to \$7.99	2. 80	\$38.00 to \$38.99	11. 60
\$8.00 to \$8.99	3. 20	\$39.00 to \$39.99	11. 80
\$9.00 to \$9.99	3. 60	\$40.00 to \$40.99	12. 00
\$10.00 to \$10.99	4. 00	\$41.00 to \$41.99	12. 10
\$11.00 to \$11.99	4. 40	\$42.00 to \$42.99	12. 20
\$12.00 to \$12.99	4. 80	\$43.00 to \$43.99	12. 30
\$13.00 to \$13.99	5. 20	\$44.00 to \$44.99	12. 40
\$14.00 to \$14.99	5. 60	\$45.00 to \$45.99	12. 50
\$15.00 to \$15.99	6. 00	\$46.00 to \$46.99	12. 60
\$16.00 to \$16.99	6. 40	\$47.00 to \$47.99	12. 70
\$17.00 to \$17.99	6. 80	\$48.00 to \$48.99	12. 80
\$18.00 to \$18.99	7. 20	\$49.00 to \$49.99	12. 90
\$19.00 to \$19.99	7. 60	\$50.00 to \$50.99	13. 00
\$20.00 to \$20.99	8. 00	\$51.00 to \$51.99	13. 10
\$21.00 to \$21.99	8. 20	\$52.00 to \$52.99	13. 20
\$22.00 to \$22.99	8. 40	\$53.00 to \$53.99	13. 30
\$23.00 to \$23.99	8. 60	\$54.00 to \$54.99	13. 40
\$24.00 to \$24.99	8. 80	\$55.00 to \$55.99	13. 50
\$25.00 to \$25.99	9. 00	\$56.00 to \$56.99	13. 60
\$26.00 to \$26.99	9. 20	\$57.00 to \$57.99	13. 70
\$27.00 to \$27.99	9. 40	\$58.00 to \$58.99	13. 80
\$28.00 to \$28.99	9. 60	\$59.00 to \$59.99	13. 90
\$29.00 to \$29.99	9. 80	\$60.00 to \$185.99	14. 00
\$30.00 to \$30.99	10. 00	\$186.00 to \$199.99	(1)
\$31.00 to \$31.99	10. 20	\$200.00 and over	(2)

¹ Increase to \$200.00.

² No increase.

B. Payments Limited to \$10,000. The total of all payments made in connection with programs for 1940 under section 8 of the Soil Conservation and Domestic Allotment Act to any individual, partnership, or estate, with respect to farms and turpentine places located

in Alabama, shall not exceed the sum of \$10,000, prior to deduction for association expenses in the county or counties with respect to which the particular payment is made. The total of all payments made in connection with such programs to any person other than an individual, partnership, or estate, with respect to farms, ranching units, and turpentine places in the United States (including Alaska, Hawaii, and Puerto Rico), shall not exceed the sum of \$10,000, prior to deduction for association expenses in the county or counties with respect to which the particular payment is made.

All or any part of any payment which has been or otherwise would be made to any person under the 1940 program may be withheld or required to be returned if he has adopted or participated in adopting any scheme or device, including the dissolution, reorganization, revival, formation, or use of any corporation, partnership, estate, trust, or any other means, which was designed to evade, or would have the effect of evading, the provisions of this section.

C. Deductions Incurred on Other Farms. (1) The net deduction computed for any landlord or tenant under sections 1 to 8, inclusive, shall be deducted from the share of the payment which would otherwise be made to him for performance on any other farms in the county.

(2) The net deduction computed for a landlord or tenant in a county shall be deducted from the payment computed for such person for performance on any other farms in the State, if the State committee finds that the crops grown and practices adopted on the farm for which such net deduction is computed substantially offset the contribution to the program made on such other farms.

D. Deduction for Association Expenses. There shall be deducted from the payments for any farm the pro rata share that the Secretary may prescribe of the estimated administrative expenses incurred or to be incurred by the county agricultural conservation association in the county in which the farm is located.

E. Payment Restricted to Effectuation of the Purposes of the Program. (1) All or any part of any payment which otherwise would be made to any person under the 1940 program may be withheld or required to be returned if (a) the county committee finds that he has used or has permitted, procured, or consented to the use of a marketing card contrary to the marketing quota regulations in effect for the 1939-40 marketing year, if erroneous yields result; (b) he has adopted any other practice which the Secretary determines tends to defeat any of the purposes of the 1940 or previous agricultural conservation programs; (c) by means of any corporation, partnership, estate, trust, or any other device, or in any manner whatsoever, he has offset, or has participated in offsetting, in whole or in part, the performance for which such payment is otherwise authorized; or (d) on forest land or woodland owned or controlled by him, he has adopted any practice which the Director of the Southern Division finds is contrary to sound conservation practices.

(2) No payments, except those for carrying out soil-building practices, shall be computed for any farm which is not operated in 1940.

F. Payment Computed and Made Without Regard to Claims. Any payment or share of payment shall be computed and made without regard to questions of title under State law, without deduction

of claims for advances (except as provided in subsection H of this section and indebtedness to the United States subject to set-off orders issued by the Secretary) and without regard to any claim or lien against any crop, or proceeds thereof, in favor of the owner or any other creditor.

G. Changes in Leasing and Cropping Agreements, Reduction in Number of Tenants, and Other Devices. If on any farm in 1940 any change of the arrangements which existed on the farm in 1939 is made between the landlord or operator and the tenants or sharecroppers that would cause a greater proportion of the payments to be made to the landlord or operator under the 1940 program than would have been made to him under the 1939 program, payments to the landlord or operator under the 1940 program shall not be greater than the amount that would have been paid to him if the arrangements had not been changed, if the county committee certifies that the change is not justified and disapproves the change.

If on any farm the number of sharecroppers or share tenants in 1940 is less than the average number on the farm during the years 1937 to 1939, inclusive, and such reduction would increase the payments that would otherwise be made to the landlord or operator, such payments shall not be greater than the amount that would otherwise be paid to him, if the county committee certifies that the reduction is not justified and disapproves the reduction.

If the State committee finds that any person who files an application for payment under the 1940 program has employed any other scheme or device (including coercion, fraud, or misrepresentation), the effect of which would be or has been to deprive any other person of any payment under any agricultural conservation program to which such other person would normally be entitled, the Secretary may withhold in whole or in part from the person participating in or employing such a scheme or device, or require such person to refund in whole or in part, the amount of any payment which has been or would otherwise be made to such person under the 1940 program.

H. Assignments. Any person who may be entitled to any payment in connection with the 1940 program may assign his interest in such payment as security for cash loaned or advances made for the purpose of financing the making of a crop in 1940. No assignment will be recognized unless it is made in writing on Form ACP-69, in accordance with instructions (ACP-70) issued by the AAA, and unless the assignment has priority as determined under instructions issued by the AAA.

Nothing contained in this section shall be construed to give an assignee (the person to whom the assignment is made) a right to any payment other than that to which the assignor (the farmer making the assignment) is entitled. Neither the Secretary nor any disbursing agent shall be subject to any suit or liability, if payment is made to the farmer without regard to the existence of an assignment.

I. Excess Cotton Acreage. Any person who makes application for payment with respect to any farm located in a county in which cotton is planted in 1940 shall file with such application a statement that he has not knowingly planted, or caused or permitted the planting of, cotton during 1940 on land in any farm in which he has an interest in excess of the cotton allotment for the farm for 1940, and that

cotton was not planted in excess of such allotment by his authority or with his consent. Any person who knowingly plants, or causes or permits the planting of, cotton on his farm in 1940 on acreage in excess of the cotton allotment for the farm for 1940 shall not be eligible for any payment on that farm or any other farm under the 1940 program.

(1) In cases where the planting (seeding) of cotton on the farm was completed after notice of the cotton allotment was mailed to the operator, and the acreage planted to cotton on the farm exceeds the cotton allotment for the farm, all producers entitled to share in the cotton crop, or its proceeds, will be considered to have knowingly overplanted the cotton allotment; provided, that any producer will not be considered to have knowingly overplanted the cotton allotment if—

(a) he proves that the excess acreage was planted because of a bona fide mistake as to the number of acres in the tract(s) planted to cotton; or

(b) he did not participate in the planting of the cotton (either by his own labor or by labor procured by him for that purpose), and proves that the excess acreage was planted without his knowledge and consent, or, if planted with his knowledge but without his consent, that he made every reasonable effort to prevent the planting of cotton in excess of the cotton allotment for the farm.

A notice of the cotton allotment mailed to the operator of the farm shall be deemed to be notice to all persons sharing in the production of cotton on the farm in 1940.

(2) In any case where the planting of cotton on the farm was completed prior to the mailing of notice of the cotton allotment for the farm, the county committee shall determine that the farm was knowingly overplanted, if it finds that:

(a) The number of acres planted to cotton on the farm exceeded the number of acres which the producer might reasonably have expected to be allotted to the farm, or

(b) where, through an error or an oversight no notice was mailed, but the fact that cotton allotments had been determined was known to the producer and, without making a reasonable effort to ascertain the amount of the allotment for his farm, he planted a number of acres which exceeded the allotment for his farm.

Whenever, as provided above in this paragraph (2), the county committee determines that the overplanting was knowingly done, all producers entitled to share in the cotton crop, or its proceeds, will be considered to have knowingly overplanted the cotton allotment; provided, that any producer will not be considered to have knowingly overplanted the cotton allotment, if he did not participate in the planting of cotton (either by his own labor or by labor procured by him for that purpose), and proves that the excess acreage was planted without his knowledge and consent, or, if planted with his knowledge but without his consent, that he made every reasonable effort to prevent the planting of cotton in excess of the cotton allotment for the farm.

J. Materials Furnished to Carry Out Soil-Building Practices.

If it is found practicable, limestone, superphosphate, trees, seeds, and other materials, upon request of the producer, may be furnished by the AAA to be used in carrying out approved soil-building practices which shall be counted toward meeting the soil-building goal for the farm. If such materials are furnished, a deduction from the payment for the farm shall be made in the amount of the approximate average cost of such materials to the AAA in any county, State, or other area. Such deduction shall be applied first to the payment computed for the person to whom such materials are furnished, and any balance of such deduction shall be prorated among the payments to other persons sharing in the payment for the farm on which such materials were used.

The producer to whom such materials are furnished shall agree that if the amount of the deduction for the materials exceeds the amount of the payment for the farm, the amount of such difference shall be repaid by him to the Secretary. The producer shall also agree that if the materials are used in a manner which is not in accord with the purposes for which such materials are furnished, the deduction for the materials misused shall be twice the regular rate of deduction in order to compensate the Government for damages because of such misuse, and he agrees also that any finding made in this connection by the county committee shall be final when approved by the State committee, subject to the right of appeal.

Section 12. APPLICATION FOR PAYMENT

A. Persons Eligible to File Applications. An application for payment for a farm may be made by any person who, under the provisions of section 10, shares in the payment which may be computed for any farm and (1) who at the time of harvest is entitled under a lease or operating agreement to share in the crops grown on the farm or (2) who is owner or operator of such farm and participates thereon in 1940 in carrying out approved soil-building practices.

B. Time and Manner of Filing Application and Information Required. Payment will be made only upon application submitted through the county office on or before March 31, 1941. The Secretary reserves the right (1) to withhold payment from any person who fails to file any form or furnish any information required on any farm which such person is operating or renting to another person for a share of the crops grown thereon, and (2) to refuse to accept any application for payment, if such application or any other form or information required is not submitted to the county office within the time fixed by the Director of the Southern Division. At least two weeks' notice to the public shall be given of the expiration of a time limit for filing prescribed forms. Such notice shall be given by mailing the same to the office of each county committee and making copies of the same available to the press.

C. Application for Other Farms. If a person has the right to receive all or a portion of the crops, or proceeds therefrom, produced on more than one farm in a county and makes application for payment on one of such farms, such person must submit an application for all such farms which he operates or rents to other persons.

Upon request of the State committee, any person shall file with the committee such information as it may request regarding any other farm in the State from which he has the right to receive all or a portion of the crops, or proceeds thereof, or rents to another for cash.

Section 13. APPEALS

Any person may, within 15 days after notice is forwarded to or made available to him, request the county committee in writing to reconsider its recommendation or determination regarding any of the following matters respecting any farm in the operation of which he has an interest as landlord, tenant, or sharecropper: (a) Eligibility to file an application for payment; (b) any allotment or goal; (c) the division of payment; or (d) any other matter affecting the right to or the amount of his payment with respect to the farm. The county committee shall notify such person in writing of its decision within 15 days after receipt of such written request for reconsideration. If such person is not satisfied with the decision of the county committee, he may, within 15 days after such decision is forwarded to or made available to him, appeal in writing to the State committee. The State committee shall notify such person in writing of its decision within 30 days after the receipt of the appeal. If such person is not satisfied with the decision of the State committee, he may, within 15 days after such decision is forwarded to or made available to him, request the Director of the Southern Division to review the decision of the State committee.

Written notice of any decision rendered under this section by the county or State committee shall also be issued to each person known to it who, as landlord, tenant, or sharecropper having an interest in the operation of the farm, may be adversely affected by such decision. Only a person who shows that he is adversely affected by the outcome of any request for reconsideration or appeal may appeal the matter further, but any person who, as landlord, tenant, or sharecropper having an interest in the operation of the farm, would be affected by the decision to be made on any reconsideration by the county committee or subsequent appeal shall be given a full and fair hearing, if he appears when the hearing thereon is held.

Section 14. DEFINITIONS

For the purposes of the 1940 program—

(1) **Farm** means all adjacent or nearby farm land under the same ownership which is operated by one person, including also:

(a) Any other adjacent or nearby farm land which the county committee, in accordance with instructions issued by the AAA, determines is operated by the same person as part of the same unit with respect to the rotation of crops and with workstock, farm machinery, and labor substantially separate from that for any other land; and

(b) Any field-rented tract (whether operated by the same or another person) which, together with any other land included in the farm, constitutes a unit with respect to the rotation of crops.

A farm shall be regarded as located in the county or administrative area, as the case may be, in which the principal dwelling is situated, or if there is no dwelling thereon, it shall be regarded as located in

the county or administrative area, as the case may be, in which the major portion of the farm is located.

(2) **Person** means any individual, partnership, association, corporation, estate, or trust, and wherever applicable, a State, a political subdivision of a State, or any agency thereof.

(3) **Landlord or owner** means a person who owns land and rents such land to another person or operates such land.

(4) **Sharecropper** means a person who works a farm in whole or in part under the general supervision of the operator and is entitled to receive for his labor a share of a crop produced thereon or of the proceeds thereof.

(5) **Tenant** means a person other than a sharecropper who rents land from another person (for cash, a fixed commodity payment, or a share of a crop produced thereon or of the proceeds thereof) and is entitled under a written or oral lease or agreement to receive all or a share of a crop produced thereon or of the proceeds thereof.

(6) **Cropland** means farm land which in 1939 was tilled or was in regular rotation.

(7) **Commercial orchards and perennial vegetables** means the acreage in planted or cultivated fruit trees, nut trees, vineyards, hops, bush fruits, or perennial vegetables on the farm on January 1, 1940 (excluding non-bearing orchards and vineyards), from which the major portion of the production is normally sold.

(8) **Non-crop open pasture land** means pasture land (other than rotation pasture land) on which the predominant growth is forage suitable for grazing and on which the number or grouping of any trees or shrubs is such that the land could not fairly be considered as woodland.

(9) **Special crop allotments or special allotments** means cotton, wheat, peanut, vegetable, potato, or tobacco acreage allotments.

(10) **General soil-depleting crops or general crops** means all crops listed in section 9 as soil depleting, except wheat, cotton, peanuts, tobacco, potatoes, and commercial vegetables for which a separate payment or deduction is computed for the farm.

(11) **Animal unit** means one cow, one horse, five sheep, five goats, two calves, two colts, or the equivalent thereof.

Section 15. AVAILABILITY OF FUNDS

The provisions of the 1940 program are necessarily subject to any legislation which Congress may enact. Payments and grants of aid will be made only from appropriations made by Congress for this purpose, and the amounts of the payments will be limited by the amount of the appropriation, the apportionment of the appropriation under the provisions of the Soil Conservation and Domestic Allotment Act, as amended, and the extent of national participation in the program. As an adjustment for the extent of participation in the program, the rates of payment and deduction may be increased or decreased by as much as 10 percent.

Issued January 4, 1940, with the approval of the Administrator.

J. W. Ruggan

Director, Southern Division.